



TALBOT COUNTY BOARD OF APPEALS

APPLICATION PROCEDURE FOR NONCONFORMING USES

Please read the attached material thoroughly. The documents in the application packet should be completed and returned to the Office of Planning and Zoning. The filing fee is \$700.00, which includes a \$400.00 review fee & a \$300.00 deposit for advertising. Any portion of the deposit not utilized will be returned. Checks shall be made payable to **Talbot County**, Maryland.

At the time the completed application is returned with all forms signed and dated, dates will be scheduled for your hearing and sign posting and other pertinent dates. The applicant/agent is responsible for noting these dates and complying with them. Direct any questions to Chris Corkell, Administrative Assistant to the Board of Appeals Office at (410) 770-8040.

1. **Application:** Complete the "Purpose of Appeal". This informs the Board what the application is for. You may attach a typewritten sheet if additional space is needed. Please give a **detailed description** of your request.
2. **Nonconforming Uses Requirements:** These documents contain questions you will be required to address during the hearing. They are the basis for the appeal. All questions must be addressed, do not leave any questions unanswered.
3. **Adjacent Property Owners:** The Applicant/Agent is responsible for obtaining the names and addresses of all property owners contiguous to the subject property as stated in Article IX, § 190-172 D of the Talbot County Code. For purposes of this Section, contiguous means all properties adjacent to and opposite said property, measured at right angles to any intervening road or street. Said mailed notice shall be directed to the address to which the real estate tax bill on property is sent. This information can be obtained by contacting Maryland Department of Assessment and Taxation at 410-819-5920 or on their web site at <http://www.dat.state.md.us>. A copy of the tax map is needed with subject property highlighted.

Water Front Property

For parcels fronting on the water, contiguous property owner(s) also include owners of property within 1,000 feet of the subject property, whose line of sight to the subject property is entirely over water.

4. **Article IX, § 190-172 B Notification:** This statement informs the Applicant/Agent when and where a sign is to be posted. Should two signs be necessary, the Planning Office will inform the Applicant/Agent and posting locations will be designated.
5. **Sign Maintenance Agreement:** This agreement is signed by the Applicant/Agent. The sign is to be continuously maintained in a conspicuous location on the property for 15 days prior to the hearing and returned to the Planning Office within 5 days after the hearing date, or a substantial fine may be imposed. See insert in this package for posting of the sign.
6. **Location Directions:** The Applicant/Agent is responsible for providing detailed directions to the property in question.
7. **Site Plan:** The Applicant is responsible for preparing a site plan which includes: dimensions of property, location of all existing buildings, tree lines and proposed additions showing setbacks from property lines and names of adjoining roads, streams, or bodies of water. The site plan must be drawn to scale. Contact the Board of Appeals Office for number of site plans needed for your project along with (1) additional copy if within the 100' buffer and (1) additional copy if property is located on a state highway.
8. **Written Acknowledgement:** When the Applicant is someone other than the owner of the property for which the Nonconforming uses is requested, the Applicant shall attach to the application a letter of authorization from the owner that he/she has reviewed the application and concurs with its content.
9. **Incomplete Application:** The application shall be delivered to the Talbot County Board of Appeals/Talbot County Planning Office. If the application is incomplete in any respect, it will be returned to the applicant, and shall not be considered filed with the Department. All required Federal, State and/or local permits or approvals must be obtained prior to application submittal.

10. **Covenants:** If your property has a covenant please provide a copy when application is submitted to this office.

INFORMATIONAL PURPOSES ONLY NON-CONFORMING USES

Please read and if you have any questions, contact the Board of Appeals Office, Chris Corkell, at 410-770-8040.

Public Hearing Notice: Public notice shall be given for a public hearing on an application for a Nonconforming use by the Board of Appeals in accordance with the provisions set forth in Article IX, § 190-172 of the Talbot County Code.

Site Visit: A majority of the members of the Board of Appeals shall be required to visit the site for which the Nonconforming use is requested before a hearing. All structures and piers must be staked when application is submitted to this office. However, a decision on a Nonconforming Use shall be decided upon the basis of the evidence of record.

Recommendation of Planning Office: Before deciding any application for a Nonconforming use the Board of Appeals shall seek the recommendation of the Planning Office. The Planning Office shall concern itself with the necessary findings when formulating its recommendations for a Nonconforming Use. The recommendation shall be considered by the Board of Appeals, and shall become a part of the record but shall not be binding upon the Board of Appeals. The Board of Appeals may request from the Planning Office such technical service, data, or factual evidence as will further assist the Board of Appeals in reaching decisions.

No amendment shall be considered which does not involve the enlargement or alteration of a use, or of the structures and facilities occupied by a use, except on the grounds of new evidence or proof of change of conditions.

New application after denial or revocation of a Nonconforming Use: Following the denial or revocation of a Nonconforming use, no application for a Nonconforming use for the same use on the same premises shall be filed within one year from the date of denial or revocation, except on grounds of new evidence or proof of change of conditions.

Expiration of a Nonconforming use: A Nonconforming use shall lapse and become null and void (18) eighteen months following the date on which it was approved, unless prior to the expiration date, construction is commenced and diligently pursued toward completion, or unless the use for which the permit was granted is commenced within one (1) year, or unless an application for renewal (for one [1] year only) is granted by the Board of Appeals prior to the expiration date. The permit shall remain in effect so long as the use for which it was issued remains in operation.

A Special Exception shall be transferable, without formal or written confirmation to subsequent owners of a property, provided that there is no significant change in the character of the site or of the use. Any conditions attached to the approval shall continue to be binding by subsequent owners of the site.

Cottage Industry must notify the Planning Officer in writing if ownership changes.

Applicants applying for telecommunication towers will be required to appear for review by Historic Committee, Technical Advisory Committee, Planning Commission and Board of Appeals.

The Administrative Assistant to the Board of Appeals may not give advice with regard to this application nor is she permitted to assist in the preparation.

This original package must be returned with original signatures and dates, you do not need to make additional copies of this package. The only additional copies required will be site plans, floor plans, elevation drawings and miscellaneous exhibits.

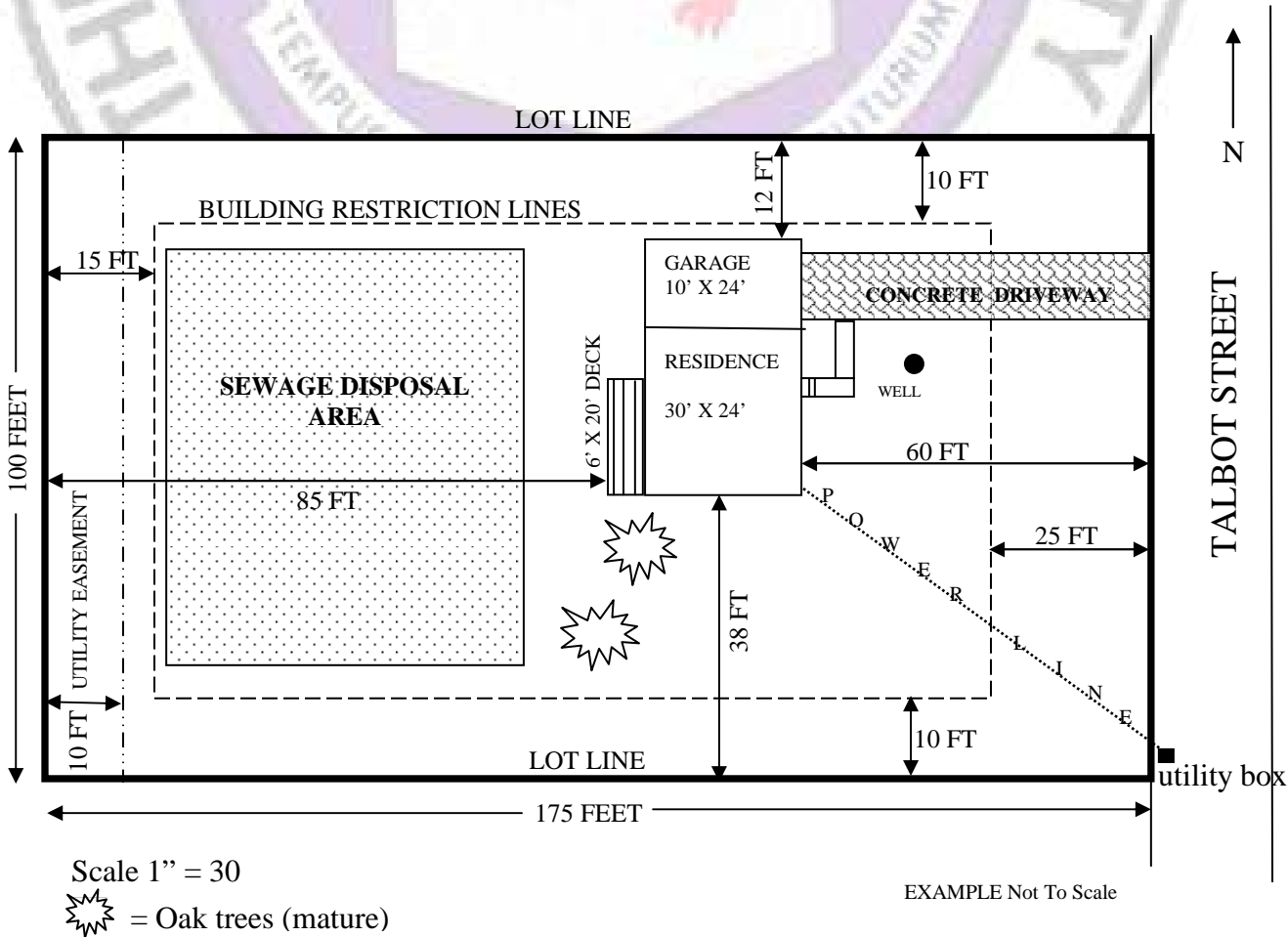


RESIDENTIAL VARIANCES, NONCONFORMING USES & SPECIAL EXCEPTIONS

SITE PLAN REQUIREMENTS

- Drawing must be to scale. The scale of the drawing and an arrow showing a direction of North, must be noted on the plan.
- Show all boundary lines and lot size.
- Location and dimensions and use of all existing and proposed buildings and structures on the site. Distances from property lines, or setback (setbacks from tidal and non tidal wetlands, 100 foot shoreline development buffer from Mean High Water, streams, steep slopes, state highway, etc.,) to the proposed structure. Measurements need to be taken from the closest point of the structure. Measurements from decks only if structurally connected to the dwelling. Show streams and label bodies of water.
- Show location of underground power lines and all other utility lines & boxes.
- Show forest cover on site, individual standing mature trees and all areas of forest to be cleared.
- Location, name or number of all streets and alleys adjacent to the site. Show any on site or off site easements or private roads that provide access between the site and public road.
- Location of on-site parking and driveways (provide space for at least two cars).
- Show location of well and proposed or existing location of septic tank and drain field (and reserve drain field), as specified by the Health Department.

EXAMPLE SITE PLAN





OFFICIAL USE ONLY

Hearing Date _____
Appeal No. _____
Filing Date _____
Amount Paid _____
Neighbors
Notified _____
Petitioners
Notified _____

To the Honorable, the Talbot County Board of Appeals,
Pursuant to the provisions of the Talbot County Zoning Ordinance for Talbot County, Maryland enacted May 16, 1953, or as amended, request is hereby made for:

____ Variation from strict application of said Ordinance
____ Allegation of Error
____ Special Exception
xxx **Nonconforming uses**

Purpose of Appeal: Nonconforming use request, state fully the kind of use desired and reasons therefore. Please give a **detailed description**, may be written or typed on a separate page if needed, label as Attachment A.

Location of Property: _____
Tax Map _____ Grid _____ Parcel _____ Lot _____ Size _____ Zone _____
Property Owner: _____
Address of Owner: _____
Telephone Number: _____ () _____ Election District _____
Applicant's name, address & telephone number if different from owner: _____
Has above property ever been subject of previous Appeal(s)? _____
If so, give Appeal number(s) and date(s) _____

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the a foregoing Appeal are true to best the best of my (our) knowledge and belief.

Applicant's/Agent's Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.



Name(s) & Addresses of the adjacent property owners. (Article IX, § 190-172 D) of the Talbot County Code.

| Name and Address | Map | Grid | Parcel & Lot # |
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Applicant Signature

Date



TALBOT COUNTY BOARD OF APPEALS

APPEAL NO. _____
HEARING DATE _____
NONCONFORMING USE REVIEW DATE _____

"NONCONFORMING REQUIREMENTS"

Chapter 190 Zoning – Talbot County Code

Power of the Board of Appeals – see Chapter 190, Article IX
Article VIII, § 190-167 - Special Exception

Nonconforming uses – Burden of Proof

The applicant for a Nonconforming use shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion to all questions of fact, which are to be determined by the Board of Appeals.

A Nonconforming use may be granted only when the Board of Appeals finds from a preponderance of the evidence of record that the following standards will be met by the proposed use on the proposed site.

- (1) The use will be consistent with the purposes and intent of the Talbot County Comprehensive Plan.

Applicant Response:

- (2) The use will comply with the standards of the zoning district in which it is located, Except as those standards may have been modified by the granting of a variance. potential uses.

Applicant Response:

- (3) The scale, bulk and general appearance of the use will be such that the use will be compatible with adjacent land uses and with existing and potential uses in its general area, and will not be detrimental to the economic value of neighboring property.

Applicant Response:

(4) The use will not constitute a nuisance to other properties and will not have significant, adverse impacts on the surrounding area due to trash, orders, noise, glare, vibration, air and water pollution, and other health and safety factors or environmental disturbances.

Applicant Response:

(5) The use will not have adverse impact on public facilities or services including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services.

Applicant Response:

(6) The use will not have a significant adverse effect upon marine, pedestrian or vehicular traffic.

Applicant Response:

(7) The use will not produce traffic volumes which would exceed the capacity of public or private or roads in the area or elsewhere in the County, based on the road classifications Established in Chapter 134, the Talbot County Roads and Bridges Ordinance, and other Applicable standards for road capacity.

Applicant Response:

(8) Any vehicle access to proposed off street parking areas and drive in facilities will be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads. In addition, any resulting commercial and truck traffic should not use a residential street nor create a hazard to a developed residential area.

Applicant Response:

(9) Any use will not significantly adversely affect wildlife with respect to the site’s vegetation, water resources, or its resources for supplying food, water, cover, habitat, nesting areas, or other needs of wildlife.

Applicant Response:

(10) The use will not significantly adversely affect adjacent existing agricultural uses.

Applicant Response:

The Board’s action will be predicated upon the applicant’s compliance with the above.

| | |
|-------------|---|
| Date | Signature of Applicant or Designated Agent |
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- References:**
- 1. Talbot County Comprehensive Plan
 - 2. Talbot County Code
 - 3. File

All structures and piers must be staked out prior to the Board’s site visit.



TALBOT COUNTY BOARD OF APPEALS

SIGN MAINTENANCE AGREEMENT

APPEAL NO. _____

I (we), the petitioner(s) of this appeal, agree that I (we) will be responsible for the continuous maintenance, during the period prior to the hearing date, of the sign which I (we) agree to have posted on the property for purposes of this hearing. I (we) further agree to notify the Board of Appeals if at any time during the required posting period this sign is not properly posted.

Said sign is to be returned to the Office of Planning and Zoning the night of the hearing or within five (5) days after the hearing.

Filing Date

Applicant's/Agent's Signature

Posting Date

Applicant's/Agent's Signature

Section below to be completed the night of the hearing

SIGN AFFIDAVIT

I hereby affirm under penalties of perjury that the subject property was posted as required on _____ (date) and to the best of my knowledge, information and belief the posting remained in place until _____ (date).

____ Check if sign was returned the night of Applicant's hearing.

Signature of Applicant/Agent

INFORMATIONAL PURPOSES ONLY (Posting of Sign)

Notification: Unless otherwise expressly provided by law, all notices to the general public required by the terms of the Talbot County Code, Chapter 190 Zoning, shall be accomplished as follows:

Posting of Property: Posting of property shall be affected at least fifteen (15) days prior to hearing date by erecting a sign to be furnished by the Planning Officer. Such signs shall be erected, by the person(s) making application, within ten feet of whatever boundary line of such land abuts the most traveled public road and, if no public road abuts thereon, then facing in such a manner as most readily may be seen by the public, and designated by the Planning Officer. The bottom of the sign shall not be less than three (3) feet from the ground. The sign furnished by the Planning Officer shall not be less than two (2) feet high and two (2) feet wide, and shall bear the words: NOTICE ZONING APPLICATION PENDING. Phone 410-770-8040 for information.

If the applicant is a person other than the owner, his attorney, agent or a person otherwise privy with the owner and the applicant files an affidavit stating that the owner is unwilling to permit the posting of any such sign, the posting shall be made by the Planning Officer. **At the hearing, it shall be the duty of the applicant to prove by affidavit that he has fully complied with this provision and has continuously maintained the sign or other posting in compliance with this provision up to the time of the hearing.** Any sign required to be posted by this provision shall be maintained in a visible location and free from obstruction by vegetation until after the public hearing is held, and such sign shall be removed within five days after the public hearing.



PLEASE STAKE OUT ALL STUCTURES & PIERS WHEN APPLICATION HAS BEEN SUBMITTED TO THIS OFFICE.

Building Permit: If the Board of Appeals grants your request and upon compliance of any conditions imposed you may then apply for your building permit. Permit Applications need to be submitted to Talbot County Permits & Inspections Office.

Revised: 09/03/08



APPEALS NOTICE OF PUBLIC HEARING

APPEAL #

In accordance with Chapter 190 Zoning, Article XIV, § 190-112 of the Talbot County Code, notice is hereby given that a public hearing will be held in the **Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland** on **(Date & Time)** by the Talbot County Board of Appeals to hear the following petition:

Applicant(s), Name(s) _____

are/is requesting a (Variance, Special Exception or Administrative Appeal) _____

***Define Specific Request – see reverse side for examples:**

Request is made in accordance with Chapter 190 Zoning, Article, _____ §190-_____ of the Talbot County Code. Property is located on _____ in the _____ Zone, **(Refer to Talbot County Zoning Maps)**. Property owner(s) are/is (Names on Deed _____) and the property is located on Tax Map _____, _____ Grid _____ Parcel _____. All persons are notified of said hearing and invited to attend. **The Board reserves the right to close a portion of this hearing as authorized by Section 10-508 (a) of the Maryland Annotated Code.**

(SEE EXAMPLES BELOW ON NEXT PAGE)



(EXAMPLES)

Special Exception: Applicant(s), (Name of Applicant/Business) is seeking a special exception to establish several commercial green houses and a plant nursery for retail use. Request is made in accordance with Chapter 190 Zoning, Article IV, § 190-19 and Article XIV, § 190-105 of the Talbot County Code.

Special Exception & C/A Variance: Applicant(s), (Name of Applicant/Business) is requesting a Special Exception to construct a 190 foot high wireless telecommunications tower with an 8 foot lightning rod for a total of 198 feet and equipment shelter within a 30' x 80' fenced area. Applicant is also requesting a variance of the 25 foot non-tidal wetland buffer to 0 feet to upgrade an existing road to provide access to the proposed tower. Request is made in accordance with Chapter 190 Zoning, Article IV, § 190-19, §190-20 M, Article XII, § 190-93 E (7), Article XIV, §190-104 and § 190-105 E of the Talbot County Code.

Floodplain Variance: Applicant(s), (Name of Applicant/Business) is seeking a variance of the strict elevation requirements for the lowest floor of their renovated accessory structure which constitutes substantial improvements in a floodplain. The flood protection elevation for this structure is 8 feet; the accessory structure floor height is built at 6.34'. Request is made in accordance with Section 70-21 B of the Talbot County Floodplain Management Ordinance.

Critical Area Variance: Applicant(s), (Name of Applicant/Business) is requesting five (5) variances of the 100 foot Shoreline Development Buffer to (1) Convert an existing patio to a screened porch with deck above, located 34'-8" from Mean High Water; (2) In ground pool 16' x 30' located 39'-7" from MHW; (3) Concrete deck located 36'-5" from MHW; (4) Construct a 24' x 24' detached garage with attached 6' x 12' storage building located 63'-4" from MHW; (5) Vertical expansion and additions no closer then 40'-8". The current residence is 42'-7" from Mean High Water. Request is made in accordance with Chapter 190 Zoning, Article X, § 190-58 D (3), Article XII, § 190-93 E (3) (c) and Article XIV, § 190-104 of the Talbot County Code.

Non-Critical Area Variance: Applicant(s), (Name of Applicant/Business) is requesting a variance of the required 50' side yard setback to 33' to construct a 1,700 square foot deck connected to the residence including an octagon gazebo. Request is made in accordance with Chapter 190 Zoning, Article X, § 190-57 A (4) and Article XIV, § 190-104 of the Talbot County Code.

Reasonable Accommodations for a Disabled Citizen & Critical Area Variance: Applicant(s), (Name of Applicant/Business) are requesting a variance of the 100' Shoreline Development Buffer for an existing concrete walkway located 0' from Mean High Water. Request for the walkway is to allow for the reasonable accommodations of a disabled citizen. Request is made in accordance with Chapter 190 Zoning, Article X, § 190-58 D (3), Article XII, § 190-93 E (3) (c), Article XIV, § 190-107 of the Talbot County Code.

Administrative Appeal: Applicant(s), (Name of Applicant/Business) have filed an Administrative Appeal under § 134-17 of the Talbot County Code, contending that the Talbot County Engineer, _____erred by denying a waiver of 134-16, private road standards. Request is made in accordance with Chapter 190 Zoning, Article XIV, § 190-103 of the Talbot County Code.



Talbot County Department of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601
410-770-8030

Independent Procedures Disclosure and Acknowledgement Form

Proposed Project Name: _____
Physical Address of Property: _____
Tax Map: _____ Grid: _____ Parcel: _____ Lot: _____ Zone: _____
Name of Applicant: _____
Phone Number(s): _____
Applicant Agent: _____
Phone Number(s): _____
Property Owner: _____
Phone Number(s): _____

Applicant acknowledges and understands:

1. This Application may be subject to local, state and federal laws, Ordinances, rules, or regulations (hereafter “Laws”) other than those that the Office of Planning & Zoning or Board of Appeals reviews, administers, or applies in connection with this review.
2. Other agencies, including but not limited to the Talbot County Health Department, Division of Environmental Health, Maryland Department of the Environment, U.S. Army Corps of Engineers, Maryland Department of Natural Resources, US Fish and Wildlife Service and others may also have review authority over the project or development proposed in the application.
3. Applicant remains solely responsible for compliance with all applicable laws, ordinances, rules, or regulations.
4. Applicant understands that review of this Application does not necessarily Include review of any other applicable laws.
5. Applicant understands that neither the Office of Planning & Zoning nor any of its employees has authority to grant permission or approval of any project or proposed development that violates any applicable law, ordinance, rule, or regulation of Talbot County, Maryland, and that any such approval issued in error has no enforceable legal effect.
6. Applicant understands that any issued by the Office of Planning & Zoning or by the Board of Appeals does not necessarily guarantee or assure the applicant that this project or proposed development may proceed.

I HEREBY CERTIFY that I have read, acknowledge, and understand the foregoing.

(SEAL)
Applicant

(SEAL)
Applicant/Agent

For Office Use Only: Date Received: _____
Comments: _____

